

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

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|  |   |                             |
|--|---|-----------------------------|
| SOO LINE RAILROAD COMPANY              | ) |                             |
| d/b/a CANADIAN PACIFIC RAILWAY,        | ) |                             |
|  | ) |                             |
| <i>Plaintiff,</i>                      | ) |                             |
|  | ) |                             |
| v.                                     | ) | Civil Action No. 08 CV 1813 |
|  | ) |                             |
| BROTHERHOOD OF MAINTENANCE OF WAY      | ) | Judge Der-Yeghiayan         |
| EMPLOYES DIVISION OF THE INTERNATIONAL | ) | Magistrate Judge Cox        |
| BROTHERHOOD OF TEAMSTERS,              | ) |                             |
|  | ) |                             |
| <i>Defendant.</i>                      | ) |                             |
|  | ) |                             |

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**NOTICE OF MOTION**

|                    |                               |                        |
|--------------------|-------------------------------|------------------------|
| To:                | William L. Phillips           | William A. Bon         |
| 100 N. LaSalle St. | General Counsel               | Richard S. Edelman     |
| Suite 1605         | Brotherhood of Maintenance of | O'Donnell, Schwartz &  |
| Chicago, IL 60602  | Way Employes Division/IBT     | Anderson, P.C.         |
|                    | 20300 Civic Center Drive      | 1300 L Street, N.W.    |
|                    | Suite 320                     | Suite 1200             |
|                    | Southfield, MI 48076-4169     | Washington, D.C. 20005 |

**PLEASE TAKE NOTICE** that on **Wednesday, August 13, 2008, at 9:00 a.m.** or as soon thereafter as counsel may be heard, the undersigned will appear before the Honorable Samuel Der-Yeghiayan, or any judge sitting in his stead, in courtroom 1903, 219 South Dearborn Street, Chicago, Illinois and present the attached *Unopposed Motion Of Plaintiff Soo Line Railroad Company For An Order Holding The Record Open On Defendant's Motion To Dismiss Pending The Deposition Of Third-Party Witness Gordon E. Smith And Allowing The Filing Of Supplemental Memoranda* in the above matter, a copy of which is hereby served upon you.

Dated: August 8, 2008

*Attorneys for Plaintiff Soo Line Railroad  
Company*

s/ James S. Whitehead  
James S. Whitehead  
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**CERTIFICATE OF SERVICE**

James S. Whitehead, one of the attorneys for Plaintiff, hereby certifies that service of the attached was accomplished pursuant to the ECF system on:

William L. Phillips

and by United States mail, first-class postage prepaid on:

Richard S. Edelman  
O'Donnell, Schwartz & Anderson, P.C.  
1300 L Street, N.W., Suite 1200  
Washington, D.C. 20005

William A. Bon  
General Counsel  
Brotherhood of Maintenance of Way  
Employes Division/IBT  
20300 Civic Center Drive, Suite 320  
Southfield, MI 48076-4169

on August 8, 2008

s/ James S. Whitehead